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N.S., a minor, by and through his parents
ANGELA GENNINO and WAYNE SAMDAHL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

OAKLAND UNIFIED SCHOOL DISTRICT,

Plaintiff,

vs.

N.S., a minor, by and through his parents
ANGELA GENNINO and WAYNE
SAMDAHL,

Defendant.

Case No.: 14-cv-05569-JSW (KAWx)

**JOINT NOTICE OF CONDITIONAL
SETTLEMENT AND REQUEST TO
STAY PROCEEDINGS; AND
~~PROPOSED~~ ORDER**

N.S., a minor, by and through his parents
ANGELA GENNINO and WAYNE
SAMDAHL,

Counter-Plaintiff,

vs.

OAKLAND UNIFIED SCHOOL DISTRICT,
Counter-Defendant.

TO THE COURT:

Plaintiff and Cross-Defendant Oakland Unified School District (“OUSD”), and Defendant and Counter-Plaintiff N.S., a minor, by and through his parents, Angela Gennino and Wayne Samdahl, hereby stipulate as follows:

1. WHEREAS, on November 24, 2015, N.S. filed a motion for attorney’s fees (Docket No. 44), and on December 9, 2015, this Court granted the parties’ joint stipulation and request setting a hearing and briefing schedule (Docket No. 61);

2. WHEREAS, on November 25, 2015, OUSD filed a notice of appeal (Docket No. 52), and on December 3, 2015, N.S. filed a notice of counter-appeal (Docket No. 54);

3. WHEREAS, the parties have now reached an agreement in principle that resolves all matters herein, including N.S.’s motion for attorney’s fees, and the parties’ actions in the Ninth Circuit Court of Appeals (Case Nos. 15-17325 and 15-17380), and are already in the process of obtaining a fully executed settlement agreement by the necessary signatories;

4. WHEREAS, OUSD also requires approval of the settlement agreement by its Governing Board of the District, which is expected to occur at the Board meeting on January 13, or 27, 2016; and

5. WHEREAS, under the terms of the agreement, OUSD shall make a settlement payment within 30 days of Board approval;

THEREFORE, IT IS STIPULATED AND REQUESTED THAT:

6. The briefing and hearing dates granted by this Court on December 9, 2015, are hereby vacated (opposition due January 26, 2016; reply due February 5, 2016; hearing on March 3, 2016);

7. The parties shall file requests for dismissals with prejudice within three (3) business days of approval of the settlement agreement by the Governing Board of OUSD on January 13 or 27, 2016;

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8. Should the settlement agreement not materialize or the Governing Board of OUSD not approve it, the parties shall inform this Court and request a new briefing schedule and hearing date; and

9. Should the parties dismiss this matter, this Court shall retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement.

Dated: December 11, 2015

MILLER WASHINGTON & KIM, LLP

By: _____/s/_____
Natashe Washington
Attorneys for Defendant & Counter-Plaintiff,
N.S., a minor, by and through his Guardian Ad
Litem, Angela Gennino

Dated: December 11, 2015

FAGEN FRIEDMAN & FULFROST, LLP

By: _____/s/_____
David R. Mishook
Attorneys for Plaintiff & Counter-Defendant,
OAKLAND UNIFIED SCHOOL DISTRICT

IT IS SO ORDERED.

Dated: December 16, 2015


Hon. Kandis A. Westmore